

MINUTES OF THE MEETING
of the
NEBRASKA BOARD OF NURSING
January 12, 2017

CALL TO ORDER

The meeting of the Nebraska Board of Nursing was called to order by Dawn Straub, Board President, at 8:34 a.m., January 12, 2017, at Country Inn and Suites, Lighthouse Room, 5353 N. 27th St., Lincoln NE 68521. Copies of the agenda were mailed in advance to the Board members, emailed to interested parties, posted outside the Licensure Unit within the Nebraska State Office Building, and posted on the Department of Health & Human Services website. Straub announced the location of an available copy of the Open Meetings Act within the room.

ROLL CALL

The following board members were present to answer roll call:

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| • Janet Andrew, LPN, <i>Board Vice-President</i> | • Kristin Ruiz, RN |
| • Ann Dey, RN | • Dawn Straub, RN, <i>Board President</i> |
| • Maxine Guy, LPN | • Rita Thalken, <i>Public Member</i> |
| • Patricia Motl, RN | • Karen Weidner, RN |
| • Kristene Perrin, RN | • Katherine Werth, APRN |

The following Board member was absent: Louise LaFramboise, RN.

The following staff members from the Department and the Attorney's General Office were also present during all or part of the meeting:

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| • Becky Wisell, <i>Administrator, Licensure Unit</i> | • Lisa Anderson, <i>Assistant Attorney General</i> |
| • Sherri Joyner, <i>Health Licensing Coordinator</i> | • Susan Aerni, <i>Investigator</i> |
| • Jaci Reznicek, RN, <i>Nursing Education Consultant</i> | • Jessica Bowman, <i>Investigator</i> |
| • Kathy Hoebelheinrich, RN, <i>Nursing Practice Consultant</i> | • Sharon Fitts, <i>Investigator</i> |
| • Anna Harrison, <i>Compliance Monitor</i> | • Pat Lemke, <i>Investigator</i> |
| • Teresa Hampton, <i>Attorney</i> | • Sherri Lovelace, <i>Investigator</i> |
| | • Mendy Mahar-Clark, <i>Investigator</i> |

A quorum was present, and the meeting convened.

ADOPTION OF THE AGENDA

MOTION: Guy made the motion, seconded by Andrew, to adopt the agenda for the January 12, 2017, Board of Nursing meeting.

Voting Yes: Andrew, Dey, Guy, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** LaFramboise. **Motion carried.**

These minutes were approved by the
Board of Nursing on February 8, 2017.

APPROVAL OF THE MINUTES

MOTION: Thalken made the motion, seconded by Motl, to approve the minutes of the December 8, 2016, Board of Nursing meeting.

Voting Yes: Andrew, Dey, Guy, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** LaFramboise. **Motion carried.**

COMMUNICATION

Staff Updates

Joyner said that Ann Oertwich's request for an exemption to the hiring freeze had been granted, which will enable the Nursing Section to fill a vacant Licensing Specialist position and also hire a temporary Licensing Specialist.

NCSBN Midyear Conference

Wisell asked Board members to submit their names if they were interested in attending the National Council of State Boards of Nursing (NCSBN) Midyear Conference. Given the State's current ban on non-essential travel, however, she advised against making non-refundable travel arrangements until Department approval for travel is obtained. Straub, Weidner and Andrew expressed interest in attending the conference. Oertwich and Hoebelheinrich also plan to attend. Joyner noted that NCSBN will waive registration fees and reimburse travel expenses for up to four people from Nebraska (two representatives from the Board of Nursing and two representatives from the APRN Board), and that boards can submit requests for additional waivers.

Nursing News

Ruiz has submitted a biographical piece for the upcoming edition of Nursing News, which is scheduled to be published in mid-February. Kathy Karsting, from the Department's Maternal Child Adolescent Health program, has also submitted articles about community caseworkers.

Legislative Updates

Wisell described several bills introduced in the Legislature that were pertinent to nursing. LB 36, introduced by Sen. Harr, would require state agencies to review rules and regulations regarding occupational credentials to determine if they are overly burdensome or ineffective. LB 88, introduced by Sen. Blood, would allow for the issuance of a temporary credential to the spouse of a military member if the spouse holds a comparable credential in another state. Wisell said that staff were not aware of Sen. Blood's bill when language regarding licensure of military spouses was included in the potential bill to adopt the Enhanced Nurse Licensure Compact.

LPN/LPN-C

LB 283, introduced by Sen. Riepe, would permit LPNs to provide intravenous therapy if they meet certain requirements.

MOTION: Thalken made the motion, seconded by Motl, to have Karen Weidner represent the Board of Nursing to provide testimony in support of LB 283, and if Weidner is not available, to provide a letter of support.

Voting Yes: Andrew, Dey, Guy, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** LaFramboise. **Motion carried.**

Dialysis Patient Care Technician Registry

Members reviewed the text of LB 255, introduced by Sen. Crawford, which would create a Dialysis Patient Care Technician Registry. Hoebelheinrich noted that under LB 255, dialysis techs would be under the Uniform Credentialing Act (UCA), unlike medication aides, who are not covered by UCA. Members noted that the bill would require dialysis techs to obtain national certification within the first eighteen months of employment rather than making national certification a requirement to be placed on the registry. Reznicek noted that dialysis techs might not be eligible to take a certification exam until they have worked a certain number of hours. Members noted that the bill did not specify under which board the registry would be housed. Hampton said that registry legislation did not always mention a board. Wisell asked if the Board wished to communicate a position on LB 255. Dey and Straub expressed a preference for not taking a position on the bill.

Enhanced Nurse Licensure Compact

Wisell reported that a bill to adopt the Enhanced Nurse Licensure Compact had not yet been introduced. If legislation is introduced, members indicated that they would like the Board to provide testimony in support of adoption of the Enhanced Compact. Dey asked how they could find out when hearings are scheduled. Wisell said that a hearing schedule is available on the Legislature's website.

MOTION: Dey made the motion, seconded by Perrin, to have Dawn Straub or Karen Weidner represent the Board of Nursing and provide testimony and support for adoption of the Enhanced Nurse Licensure Compact if a hearing on the matter is held, and if neither Straub nor Weidner are able to attend, a letter of support will be provided.

Voting Yes: Andrew, Dey, Guy, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** LaFramboise. **Motion carried.**

Closure of ITT

Reznicek reported that ITT has released transcripts of former students who had not passed an exit HESI exam. Approximately 20 of these students have contacted the Licensure Unit about applying for licensure. Approximately six students from ITT's 2016 class have taken the NCLEX but only one has passed. Reznicek reported that a NCSBN teleconference will be held on January 13th regarding ITT nursing students.

BOARD RECOMMENDATION FORM

Members reviewed a draft revision of the form used by Board members during meetings to record their motions on licensure recommendations. Members agreed to use the revised form on a pilot basis.

9:50 a.m. Meeting went into recess.

10:03 a.m. Meeting reconvened.

CLOSED SESSION

MOTION: Guy made the motion, seconded by Andrew, for the Board to go into closed session for the purpose of reviewing and discussing investigative reports, licensure applications, and other confidential information, and for the prevention of needless injury to the reputation of the individuals.

Voting Yes: Andrew, Dey, Guy, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** LaFramboise. **Motion carried.**

10:05 a.m. Meeting went into closed session. Anderson left the meeting.
 11:08 a.m. Reznicek left the meeting.
 11:10 a.m. Reznicek returned the meeting.
 11:15 a.m. Hampton left the meeting. Anderson returned to the meeting.
 12:45 p.m. Werth left the meeting.
 12:50 p.m. Werth returned to the meeting.
 12:57 p.m. Straub left the meeting.
 1:02 p.m. Weidner left the meeting. Straub returned to the meeting.
 1:03 p.m. Ruiz left the meeting. Weidner returned to the meeting.
 1:06 p.m. Ruiz returned to the meeting.
 1:37 p.m. Meeting returned to Open Session. Meeting went into recess.
 1:50 p.m. Meeting reconvened.

CENTER FOR NURSING

Workforce Model Proposal

Juan Ramirez, consultant for the Nebraska Center for Nursing, gave a presentation on nursing workforce models and forecasts. He noted several limitations in the Health Resources and Services Administration (HRSA) model that affect its ability to accurately project levels of nursing workforce supply and demand. Demand for nurses with bachelor's degrees is increasing, for example, but HRSA does not take educational level into account when it assesses nurse demand. The HRSA model provides state-level projections, but it does not take into account regional variations within a state. Ramirez noted that there are significant differences in patterns of healthcare usage between rural and urban areas. He also noted that rural areas in Nebraska rely more heavily on older nurses. These factors affect whether a particular region within the state might be affected by a nursing shortage. HRSA projections are also limited because they cannot be easily updated to reflect changes in nursing demographics, which can change rapidly at times.

Ramirez reported that he and two Center for Nursing Board members, Liane Connelly and Linda Stones, learned about alternatives to the HRSA model when they attended the National Forum of State Nursing Workforce Centers conference last April. The Louisiana Center for Nursing uses a model developed by Craig Moore, PhD. The model makes separate projections for each of the state's eight economic regions. Dr. Moore has also developed regional nursing workforce models for Ohio and Maine. Dr. Moore's models can be easily updated to account for new developments, such as the opening of a new hospital or changes in healthcare-related regulations.

Ramirez described a distinction between "forecasts" and "models." A forecast predicts future supply and demand using current trends and standards of care. Ramirez said that the HRSA models might more properly be described as "forecasts." A model, on the other hand, can be easily updated. Variables can be adjusted, allowing the user to run simulations of how various changes might affect nursing supply and demand. A model, thus, can be used as a policy tool.

Weidner asked if the Center has sufficient funds to pay for a new model or if they intend to raise funds from outside sources. Wisell said the Center was allocated \$130,000.00 for Fiscal Year 2017, but they might need contributions from other sources to purchase a model. Wisell noted that purchases exceeding \$50,000.00 generally require competitive bidding, but that Oertwich is pursuing whether Craig Moore could

be considered a single-source provider for a workforce model. Wisell also noted that the Center will need to put together a prospective Fiscal Year 2018 budget to be presented at the Board of Nursing's April meeting.

Center for Nursing Foundation

Perrin plans to attend the Center for Nursing Foundation meeting scheduled for January 20th. Joyner reported that the Center for Nursing, the Foundation, and the Nebraska Action Coalition (NAC) are exploring the possibility of having the Foundation become NAC's fiscal sponsor. NAC's current fiscal sponsor is the Visiting Nurses Association. Straub noted that the Robert Wood Johnson Foundation is phasing out the state-level grants that it has provided to Action Coalitions.

LICENSURE RECOMMENDATIONS

DONNA J. FERRAGUTI – LPN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

Andrew made the motion, seconded by Guy, to recommend issuing Donna Ferraguti a temporary license for the purpose of completing a refresher course within 18 months and following successful completion of the refresher course, reinstating her LPN license on probation for two years with the probationary conditions listed in the Findings of Fact, Conclusions of Law, and Order dated February 7, 2006, with the exception of Condition 8 and Condition 9 of the Order dated February 7, 2006.

Voting Yes: Andrew, Dey, Guy, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** LaFramboise. **Motion carried.**

RAYMOND R. CHASE – RN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

MOTION: Andrew made the motion, seconded by Guy, to recommend reinstating Raymond Chase's RN license on probation for five years with the following terms and conditions: abstain from alcohol; abstain from controlled substances and other prescription drugs unless prescribed by the treating practitioner; verification from treating practitioner of all prescription medications; report all prescription medications taken; submit to random body fluid screens; advise Department of any professional counseling and submit reports; comply with treatment recommendations including recommendations for attendance at support group meetings and sponsor; active practice for 3120 hours; notify the Department within seven days of receipt of any criminal citations, filing of criminal complaints, or other contact with law enforcement; provide notice of disciplinary proceedings to employer and other states where licensed; provide quarterly employer reports; shall not provide nursing services for staffing agencies or in home health care; provide written notice to Department of any employment, address or phone changes within seven (7) days; comply with all reports, notices or other documentation from the Department; promptly respond to Department regarding compliance during probation; obey all state and federal laws, rules and regulations regarding practice of nursing and must report any violations of the above to Department within seven days; pay any costs associated with ensuring compliance, and appear at any meetings of the Board of Nursing when requested. This motion is based upon: previous licensure disciplinary action which includes a diagnosis of Alcohol Dependence, Severe, In Remission, and criminal convictions; completion on inpatient treatment; compliance with treatment recommendations; active involvement in the substance abuse/addiction recovery process; reported period of sobriety from April 9, 2015; and positive letters of reference from friends and employers.

Voting Yes: Andrew, Dey, Guy, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** LaFramboise. **Motion carried.**

TIMOTHY D. MILLER– RN REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

MOTION: Weidner made the motion, seconded by Thalken, to recommend that the probationary condition that prohibits Timothy Miller from providing nursing services for staffing agencies remain with the exception of allowing Mr. Miller to work for Maxim but only for the purpose of providing nursing services for the Nebraska Department of Corrections.

Voting Yes: Andrew, Dey, Guy, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** LaFramboise. **Motion carried.**

DIANNA K. HANSEN – LPN REINSTATEMENT (NON-DISCIPLINARY)

MOTION: Dey made the motion, seconded by Perrin, to recommend reinstating an unrestricted LPN license to Dianna Hansen.

Voting Yes: Andrew, Dey, Guy, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** LaFramboise. **Motion carried.**

SARA K. MARES – RN REINSTATEMENT (NON-DISCIPLINARY)

MOTION: Weidner made the motion, seconded by Thalken, to recommend reinstating Sara Mares' RN license.

Voting Yes: Andrew, Dey, Guy, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** LaFramboise. **Motion carried.**

DEANNA L. HOLLAND – RN APPLICATION

MOTION: Guy made the motion, seconded by Andrew, to recommend issuing Deanna Holland an unrestricted RN license.

Voting Yes: Andrew, Dey, Guy, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** LaFramboise. **Motion carried.**

ALI P. RYAN – LPN APPLICATION

MOTION: Guy made the motion, seconded by Andrew, to recommend issuing Ali Ryan an unrestricted LPN license.

Voting Yes: Andrew, Dey, Guy, Motl, Perrin, Ruiz, Straub, Thalken, Weidner, and Werth. **Voting No:** None. **Abstain:** None. **Absent:** LaFramboise. **Motion carried.**

NEW BOARD MEMBER ORIENTATION

Given that discussion of other agenda items had run longer than expected, members decided to forego a presentation regarding new member orientation and discussion of board member knowledge needs. Wisell said the Ann Oertwich will reach out to the new Board members to arrange a time for one-on-one orientation.

CREDENTIALING REVIEW UPDATE

Weidner gave a summary of the Credentialing Review process and the history of the LPN/LPN-C Credentialing Review currently underway. The Board is seeking Credentialing Review approval for placing intravenous therapy within the LPN scope of practice and eliminating the LPN-C license. Weidner noted that they have received strong support from stakeholders including the Nebraska Nurses Association, the Nebraska Hospital Association, and the Nebraska Health Care Association, and that even if they do not receive Credentialing Review approval, the Board can still support legislation to permit LPNs to perform intravenous tasks.

Weidner said that the Credentialing Review Technical Committee's biggest concern was ensuring that the approximately 6,000 LPNs who do not currently hold a LPN-C license are competent to perform intravenous tasks. Weidner described the two-pronged approach that they had recommended to the Committee: LPNs who have not held LPN-C licensure would be required to complete didactic training in intravenous therapy within five years, and in order to actually provide intravenous therapy, they would need to complete additional clinical training. Completion of instruction would be tracked by the Department's licensing system.

The Technical Committee approved forwarding the LPN/LPN-C application to the Board of Health's Credentialing Review Committee. The Committee is scheduled to make a recommendation on the application at its January 17th meeting. The application will then be reviewed by the Board of Health during its January 23rd meeting. Weidner said she planned to attend both meetings, but she noted that weather conditions might impact travel on the 17th. Wisell said that if the Committee meeting is cancelled, the Board of Health will make time for the Committee to review the application during its January 23rd meeting.

TOPICS FOR 2017 ISSUES FORUM

Members and staff discussed potential topics for the Board's 2017 Issues Forums scheduled for April and October. Joyner noted that the Board had previously requested an Issues Forum devoted to the discipline process. Members also suggested a presentation from the Licensee Assistance Program about chemical dependency. Straub asked if updated research was available regarding the advisability of five-year probation terms in cases of dependency. Wisell said that Oertwich would be meeting with Anna Harrison and Matt Gelvin in the upcoming week to discuss their review of probationary data. Anderson mentioned that Oertwich had previously suggested reviewing differences between independent boards of nursing and umbrella boards of nursing regarding the discipline process.

CONCLUSION AND ADJOURNMENT

Wisell announced that LB 342, which would adopt the Enhanced Nursing Licensure Compact, had been introduced in the Legislature by Sen. Erdman at the request of the Governor.

There being no further business, the meeting adjourned at 3:15 p.m.

Respectfully submitted,



Sherri Joyner
Health Licensing Coordinator